

rack assembly for an automatic bread making machine. Rather, it teaches "a baking rack designed primarily for use in connection with the deep well of an electrical range" (column 1, lines 2-4). Applicant does not believe there would be any thought to consider the teachings of deep well electrical ranges in search of an improvement for an automatic bread making machine.

However, assuming *arguendo* that one would try to utilize the "deep well backing rack" of Pollock within the compact space of a bread maker, the Pollock disclosure still does not anticipate Applicant's claims 1-10 as amended. More particularly, independent claims 1 and 6 have been amended to state that the base member engages a coupling device in a baking chamber of an automatic bread making machine when the frame is positioned in the baking chamber. As noted on page 5, lines 9-13 of the present application, applicant has taught that in a preferred embodiment of the present invention, the base member engages a coupling device positioned in the baking chamber, and the coupling device may be a conventional element of a bread making machine, provided to releasably couple the primary container used for making the dough in the machine. This arrangement is not taught or suggested in Pollock. Rather, Pollock teaches that the lowest skeleton suspension member 20 is provided with legs 34 that, together with the lower ends of uprights 14, rest on the bottom surface of the well of an electric range. Because it is a well of an electrical range, there is no coupling device provided in the well, and there is no teaching or suggestion in Pollock to provide a frame with a base member to engage a coupling device provided in a baking chamber of an automatic bread making machine. Applicant therefore respectfully submits that claims 1 and 6, and the claims that depend therefrom, are not anticipated by Pollock.

Furthermore, the skeleton suspension 20, 21, and 22 of Pollock consist of a "ring 24 and a set of spaced parallel bars." Conversely, claims 1 and claim 6 create a "plurality of trays" where "each tray providing a substantially horizontal support surface for a quantity of dough." Applicant submits that the "bars" of Pollock are structurally dissimilar and could not perform the recited function, with respect to supporting pliable dough on a horizontal surface.

35 U.S.C. Section 103(a) Issues

Claims 11-17 are rejected as being obvious over Barradas (U.S. Patent No. 5,445,061) in view of Pollock (U.S. Patent No. 2,251,600). The Examiner asserts that it would have been obvious to one of skill in the art to incorporate the frame structure of Pollock into the

invention of Barradas since both are directed to bread baking devices, since Barradas already includes a frame, and since the sidewalls and handle of Pollock would permit the entire frame to be inserted through the top door of Barradas as a single unit, rather than as separate pieces which can be difficult to stack in a heated environment.

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art provides a suggestion or motivation to do so. *In re Mills*, 916 F.2d 680, 16 USPQ.2d 1430 (Fed. Cir. 1990). Without some suggestion to combine, reconstructing the teaching of the prior art would be improper hindsight. *Akzo N.V. v. U.S. Intern. Trade Comm.*, 808 F.2d 1471, 1481 (Fed. Cir. 1986). Applicant believes that Barradas does not make any suggestion toward an improved bread baking machine, but instead merely discloses the advantages of combining the elements of a conventional oven with a portable machine that may be used to make bread. Specifically, Barradas states that "to overcome the drawbacks of the bread machine, as well as the convection oven, the two processes have been combined" (column 1, lines 28-30). Pollock teaches "a baking rack designed primarily for use in connection with the deep well of an electrical range" (column 1, lines 2-4).

As explained in the present application, prior art baking machines are limited in their versatility with respect to the end product. Bread baking machines provide only a single, unitary baking chamber such that individual portions of dough must be removed from the machine and baked in a conventional oven if rolls or some end product rather than a single loaf is desired (page 1, column 19-24). Consequently, Applicant's invention makes a non-obvious advancement in the art by combining the concept of a baking machine configured with a newly designed baking rack assembly which is much more usable and versatile compared to a single, unitary baking chamber. Applicant asserts that a person skilled in the art, would not have any motivation or suggestion from the cited art to make a more versatile baking rack assembly "that is selectively placed into and removed from the baking chamber," contains "a plurality of trays," and "each tray providing a substantially horizontal support surface for a quantity of dough." Applicant respectfully submits that neither Barradas nor Pollock teach or suggest the above limitations, therefore, independent claims 11 and 16, and claims 12-15 and 17 that depend therefrom, are in condition for allowance.

Furthermore, independent claim 11 has been amended to recite that the container is releasably coupled to the baking chamber via a coupling device, and that the base member of

the frame engages the coupling device when the frame is positioned in the baking chamber. As discussed above with respect to claims 1 and 6, this structural arrangement is not taught or suggested by the cited references. Claim 11, and the claims that depend therefrom, are therefore allowable over the cited art.

Similarly, claim 16 has been amended to recite that the frame is inserted into the baking chamber of the automatic bread making machine until a base member of the frame engages a coupling device in the baking chamber. Again, this step is not taught or suggested in the prior art. Applicant therefore respectfully submits that claims 16 and 17 are allowable over the cited art.

Supplemental Information Disclosure Statement

It does not appear that the Examining Attorney has acknowledged receipt of the Supplemental IDS filed April 6, 2001. Applicant requests confirmation that the Supplemental IDS has been received and considered.

Conclusion

In view of the foregoing remarks, applicant respectfully submits that none of the cited references, nor any combination thereof, teaches, suggests, or motivates one of ordinary skill in the art to make the baking rack assembly directed to bread baking machines as claimed in claims 1-17.

Applicant has made a good faith effort to place this application in condition for allowance. However, should any further matter require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version With Markings to Show Changes Made.**"

Respectfully submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1, 6, 11 and 16 have been amended as follows:

1. (Thrice Amended) A baking rack assembly for an automatic bread making machine comprising:

a frame having two opposing, laterally spaced sidewalls extending upward from and coupled to a base member, the base member engaging a coupling device provided in a baking chamber of an automatic bread making machine when the frame is positioned in the baking chamber; and

a plurality of trays coupled to and supported by the two sidewalls of the frame in vertically spaced relation to each other, each tray providing a substantially horizontal support surface for a quantity of dough wherein the frame has a permanent opening between the two sidewalls, the permanent opening having a sufficient width to permit one of the trays to be passed through the opening while oriented in a substantially horizontal position, and wherein the frame can be selectively placed into and removed from a the baking chamber as a unit.

6. (Thrice Amended) An automatic bread making machine comprising:

a housing having a baking chamber coupled to a source of heat and a baking rack assembly comprising a frame that is selectively placed into and removed from the baking chamber as a unit, the frame having two opposing, laterally spaced sidewalls extending upward from and coupled to a base member and a plurality of trays coupled to and supported by the two sidewalls of the frame in vertically spaced relation to each other, each tray providing a substantially horizontal support surface for a quantity of dough that can be proofed or baked on the tray when the frame and trays are positioned within the baking chamber, the base member engaging a coupling device provided in a baking chamber of an automatic bread making machine when the frame is positioned in the baking chamber.

11. (Thrice Amended) An automatic bread making machine comprising:

a housing having a baking chamber and a container for receiving bread making ingredients, the container being releasably coupled to the baking chamber via a coupling device provided in the baking chamber;

a motor for mixing the ingredients within the container to form a dough;

a frame that is selectively placed into and removed from the baking chamber, the frame having two opposing, laterally spaced sidewalls extending upward from and coupled to a base member with a plurality of trays coupled to and supported by the two sidewalls of the frame in vertically spaced relation to each other, each tray providing a substantially horizontal support surface for a quantity of the dough, the base member engaging the coupling device when the frame is positioned in the baking chamber, the frame also having a permanent opening between the two sidewalls with dimensions sufficient to permit one of the trays to be passed through the opening while oriented in a substantially horizontal position; and

a heating element coupled to the baking chamber to bake the dough positioned on the trays when the frame and trays are positioned within the baking chamber.

16. (Thrice Amended) A method of baking a plurality of portions of dough comprising:

placing ingredients into an automatic bread making machine;

activating a motor of the automatic bread making machine to mix the ingredients to form a quantity of dough;

removing the quantity of dough from the machine;

dividing the quantity of dough into a plurality of portions;

placing the plurality of portions of dough onto a plurality of trays coupled to and supported by opposing sidewalls of a frame in vertically spaced relation to each other;

inserting the frame and trays coupled thereto into a baking chamber of the automatic bread making machine until a base member of the frame engages a coupling device in the baking chamber;

activating a heating element of the automatic bread making machine to bake the plurality of portions of dough; and

removing the baked dough away from the frame through a permanent opening of the frame, the opening having dimensions sufficient to permit at least one of the trays to be passed through the opening while oriented in a substantially horizontal position.

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